

REMARKS

The present application was filed on November 22, 2000 with claims 1-29. Claim 8 was canceled in a previous amendment. Claims 1-7 and 9-29 remain pending.

Surprisingly, Applicant still has not received from the Examiner an initialed copy of the PTO-1449 form previously filed herein with an Information Disclosure Statement (“IDS”) on May 10, 2000. Applicant explicitly raised this issue in his previous response, but nonetheless the Examiner has again failed to address it. Copies of the IDS and PTO-1449 as filed are attached, along with a copy of a return postcard stamped by the USPTO indicating receipt of the IDS, the PTO-1449 and the cited references. Applicant yet again respectfully requests that an appropriate initialed PTO-1449 form be returned to Applicant with the next office communication.

Claims 1-7, 9, 11-13 and 19-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,961,593 (hereinafter “Gabber”) in view of U.S. Patent No. 5,794,207 (hereinafter “Walker”).

Claims 14-18 are rejected under §103(a) over combinations of references including at least Gabber and Fenix, “Order-Route CSC.”

Claim 10 is allowed.

Applicant respectfully traverses the 103(a) rejections. Reconsideration of the present application is requested in view of the above amendments and the remarks to follow.

With regard to independent claims 1, 28 and 29, these claims call for an intermediary machine to implement a rotation of payment card numbers, based on differing expiration dates, that reduces exposure of the intermediary machine to fraudulent use of payment card numbers. The collective teachings of Gabber and Walker fail to disclose such an arrangement. In Gabber, there is no rotation of the alias credit card number described at column 13, lines 5-14. Walker fails to supplement this fundamental deficiency of Gabber, in that it simply stores user credit card numbers. See Walker at column 21, lines 29-31.

Notwithstanding the traversal, Applicant has amended independent claims 1, 28 and 29 to clarify that the claimed rotation of payment card numbers is a rotation of intermediary payment card numbers, rather than user payment card numbers. The intermediary payment card numbers are payment card numbers of the intermediary machine, and not user payment card numbers. Support

for the amendment can be found in the specification at, for example, page 21, line 19, to page 22, line 4. As noted above, there is no such rotation of intermediary payment card numbers in the proposed combination of Gabber and Walker. In view of the traversal, it is respectfully submitted that the amendment is made not for reasons relating to patentability, but instead simply to expedite the prosecution of the application.

With regard to independent claim 11, this claim specifies that a transaction database associated with the intermediary machine is interfaced with a corresponding credit clearing infrastructure element so as to facilitate comparison of transactions authorized by the intermediary with transactions reported by one or more web site operators. There is no such interfacing for facilitation of comparison in the proposed combination of Gabber and Walker. As Applicant has indicated at page 22, lines 24-27, and page 23, lines 17-22, of the specification, an arrangement of the type claimed involves comparison of transactions authorized by the intermediary with transactions reported by one or more web site operators, and in an illustrative embodiment advantageously “reduces the potential for fraud on the intermediary payment card.” The portions of the Gabber reference relied on by the Examiner do not involve any use of a credit clearing infrastructure element by an intermediary machine for the purpose of comparing transactions authorized by the intermediary machine with transactions reported to the credit clearing infrastructure by web site operators. If the central proxy system 110a in Gabber provides its “own valid credit card number” to a requesting site, the requesting site may use the credit card number for a given transaction by submitting it to a credit clearing infrastructure element, but there is no separate interface between the central proxy system 110a and the credit clearing infrastructure element which supports the claimed comparison. Accordingly, the §103(a) rejection of claim 11 is believed to be improper, and should be withdrawn.

With regard to independent claim 14, this claim specifies that the intermediary machine in conjunction with the online transaction supplies an alias destination address to the web site operator machine for delivery of goods or services purchased by the user as part of the transaction. The claim further states that the alias destination address comprises an address of a third party destination determined by the intermediary to be in sufficient proximity to a real destination address of the user, such that physical goods purchased by the user as part of the transaction are delivered by the web site

operator to the third party destination address. It is believed that such an arrangement is not taught or suggested by the proposed combination of Gabber and Fenix. The Examiner argues that Fenix teaches "the automatic routing of goods and services based [on the] location relationship of the retail outlet to the customer." However, Fenix indicates that "[e]ntered orders are electronically transmitted to the retail outlet closest to the customer." As Applicant noted above, the claim calls for delivery of purchased physical goods by a web site operator to a third party destination. Fenix does not transmit purchased goods, but only orders for goods. Thus, it is believed to be not readily combinable with the Gabber system. Moreover, Fenix appears to teach directly away from the proposed combination, by teaching that orders should be transmitted to locations close to the user before being filled. Clearly, this Fenix approach eliminates a significant advantage provided by typical web-based electronic commerce systems, such as Gabber, which generally encourage arrangements in which orders are filled by vendors that are geographically remote from the purchasers. Accordingly, it is believed that one skilled in the art would not be motivated to combine Gabber and Fenix in the manner proposed by the Examiner.

The dependent claims are believed allowable for at least the reasons identified above with regard to their respective independent claims.

In view of the foregoing, claims 1-7 and 9-29 as amended are believed to be in condition for allowance.

Respectfully submitted,



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Enclosure(s): Copy of Previously-Filed PTO-1449 Form
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